

AMENDMENTS TO EXTRADITION STATUTE

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott L Wyatt

Senate Sponsor: Darin G. Peterson

LONG TITLE

General Description:

This bill modifies Title 77, Chapter 30, Extradition, regarding persons in Utah who have violated a parole or probation agreement entered into with another state.

Highlighted Provisions:

This bill:

- ▶ provides that a person in Utah who has violated a probation, parole, bail, or other release agreement the person entered into with another state may be delivered to the demanding state without the need for a governor's warrant of extradition;
- ▶ provides that Utah may, prior to returning the person to the demanding state, try the person for any offenses the person committed in Utah; and
- ▶ clarifies that the person may return voluntarily to the demanding state.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

77-30-26.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section **77-30-26.5** is enacted to read:

29 **77-30-26.5. Person who has violated parole or probation agreement with**
30 **demanding state.**

31 (1) A law enforcement agency that is holding a person subject to extradition based on
32 having allegedly violated the terms of the person's probation, parole, bail, or other terms of
33 release in the demanding state shall immediately deliver the person to the authorized agent of
34 the demanding state. A governor's warrant is not required in order to return the person if:

35 (a) the person has previously signed a waiver of extradition as a term of the person's
36 probation, parole, bail, or other terms of release in the demanding state;

37 (b) the law enforcement agency holding the person has received:

38 (i) an authenticated copy of the prior waiver of extradition signed by the person; and

39 (ii) a photograph and fingerprints identifying the person as the person who signed the
40 waiver.

41 (2) Utah may, prior to delivering a person to the demanding state, prosecute the person
42 for any criminal offense committed in Utah.

43 (3) This section does not affect or limit:

44 (a) the right of the person sought by the demanding state to return to the demanding
45 state voluntarily and without governmental action;

46 (b) the authority of the law enforcement or parole officers of Utah or the demanding
47 state; or

48 (c) any procedures regarding waiver of extradition under Title 77, Chapter 30,
49 Extradition.

Legislative Review Note
as of 1-15-07 5:10 PM

Office of Legislative Research and General Counsel

H.B. 270 - Amendments to Extradition Statute

Fiscal Note

2007 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/22/2007, 8:01:29 AM, Lead Analyst: Byrne, D.

Office of the Legislative Fiscal Analyst